

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, February 3, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Dickenson, Frautschi, Wozniak, Horton

Absent, Commissioners: Long

Present, Staff: Community Development Director Craig Ewing (CDD), Principal Planner Carlos de Melo (PP), Zoning Technician Brian Froelich (ZT), City Attorney Jean Savaree (CA), Recording Secretary Colleen Flores (RS)

Chair Gibson welcomed new Commissioners Jackie Horton and Chris Wozniak.

2. AGENDA AMENDMENTS:

PP de Melo recommended that the Minutes of December 2, 2003 be moved to the Meeting of February 17, 2004.

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. 12/2/03 Planning Commission Minutes – postponed to 2/17/04

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2625 Ponce Avenue

To consider a Single Family Design Review and Tree Removal Permit to remodel and reconstruct an existing 1,352 square foot residence resulting in 2,537 square foot single-family residence that meets the zoning district permitted maximum floor area for this site.

(Appl. No. 03-0084)

APN: 044-231-390; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owner(s): Andrew Reitter

ZT Froelich presented the staff report, recommending approval with the Conditions of Approval as attached, and answered questions from the Commission.

Andrew Reitter, owner of 2625 Ponce Avenue, noted that his house is currently the smallest in the neighborhood and too small for his family. Mr. Reitter stated that the retaining wall will be a solid concrete formed wall covered with a slate material or dyed concrete, with the front yard vegetation hanging over the

edge. No plantings are intended along the bottom because cars backing out the driveway would drive into them.

Chair Gibson opened the public hearing.

Tony Agosta, 2016 Read Avenue, and Jack Wright, 2611 Read Avenue, expressed their concerns about losing the views from their homes, stating that they had purchased the homes because of the views. They would like to have temporary stakes put on the roof of the subject house to aid in visualizing how the 8' addition will affect their views.

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

Staff was asked to explain to the audience the City code referring to private views as opposed to public views. CDD Ewing explained that protecting private views is not on the list of criteria on which the Commission can judge a project; they have little discretion on this issue.

C Frautschi was concerned about the 6' concrete retaining wall. He would like to see exactly what materials the applicant is planning to use, and suggested that staff refer the applicant to similar retaining walls in Belmont. He could support the project with the understanding that there will be further input to staff about how the wall is going to be treated. He also expressed disappointment that there's not at least some semblance of a landscape plan, even though it is not required.

VC Parsons concurred and suggested that it might be appropriate to do something similar to the retaining wall at the property next door. CDD Ewing referred to the footnote on page 4 of the Staff Report that quotes from the Municipal Code and applies to that portion of the retaining wall that will be in the public right-of-way: "Materials to be used shall provide a rough texture such as stone, brick veneer, fluted or split face stone, crib block wood or similar materials." It could be conditioned to extend the material used to the private side of the wall to provide a consistent look and meet the findings. VC Parsons added that he is not fond of a split face look; he would like to see something more natural looking.

C Gibson concurred. He added that story poles are expensive to install and suggested that Mr. Agosta might give the applicant an 8' pole and ask him to stand on his roof and hold it there in order to get an idea of the height of the addition.

MOTION: By Commissioner Parsons, second by Commissioner Frautschi, to approve a Single Family Design Review and Tree Removal Permit at 2625 Ponce Avenue, with the conditions of approval in Exhibit A, and the added condition that, prior to the issuance of building permits, the property owner/applicant shall receive approval from staff of the finish of the retaining wall, which shall be stone, brick veneer, fluted or crib block wood or similar materials.

Ayes: Parsons, Frautschi, Dickenson, Wozniak, Horton, Gibson

Noes: None

Absent: Long

Motion Passed 6/0/1

Chair Gibson noted that this item may be appealed to City Council within 10 days.

5B. PUBLIC HEARING – 1721 Valley View Avenue

To consider a Single Family Design Review to construct a 1,131 square foot addition to the existing 2,235 square foot single-family residence for a total of 3,366 square feet that is below the zoning district permitted 3,500 square feet for this site.

(Appl. No. 03-0089)

APN: 044-341-260; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant: Stanley Panko

Owners: William and Juanita Russell

PP de Melo summarized the Staff Report, recommending approval subject to the conditions of approval in Exhibit A.

VC Parsons asked if the new garage could be considered a two-car garage if the project came back for the addition of a bedroom. PP de Melo replied "no," by the current ordinance definition, it would be a one-car garage since it is 20' x 19' and a two-car garage is required to be 20' x 20'.

C Wozniak asked for clarification of the neighborhood outreach program. PP de Melo responded that the current requirements are that only directly adjacent neighbors be notified as part of the outreach strategy.

Stan Panko, architect/applicant, felt that they have mitigated the garage, stairway and tree concerns. He added that the garage functions as a two-car garage, but that there is a section in the back of the garage that is infringed by the existing structure and prevents a "clear" 20 x 20.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Parsons, second by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

C Frautschi expressed concern that the width of the proposed addition would affect the public view on the left side. CDD Ewing responded that Criteria A concerning the public view uses the term "minimized disruption" so that it is not an absolute and there is no simple answer.

C Horton commented that she thought the change in the roofline and the shingling was a great improvement and took the home from a 70's appearance to a more contemporary house.

MOTION: By Vice Chair Parsons, second by Commissioner Dickenson, to approve a Single-Family Design Review at 1721 Valley View Avenue, with the conditions attached to the Staff Report.

Ayes: Parsons, Dickenson, Wozniak, Horton, Gibson

Noes: Frautschi

Absent: Long

Motion Passed 5/1/1

Chair Gibson noted that this item may be appealed to the City Council within 10 days.

5C. PUBLIC HEARING – Amendment to Zoning Ordinance

To consider revisions to Section 2 (Definitions), Section 4 (Residential Districts), Section 8 (Off-Street Parking and Loading), Section 9 (General Regulations), Section 12 (Planned Unit Development or "PD" District), Section 13 (Design Review), and Section 24 (Secondary Dwelling Units) of the City of Belmont Zoning Code. The amendments will consider modifications to the aforementioned Zoning Ordinance sections and establishment of development standard thresholds to allow for administrative (non-discretionary) review and processing of new secondary unit applications consistent with California State Law AB1866, which went into effect on July 1, 2003. Planning Commission recommendations will be forwarded to the City Council for final action. Continued from October 8, 2003 Planning Commission Hearing.

(Appl. No. 03-0050)

CEQA Status: Statutory Exemption per Section 15282

Applicant: City of Belmont

PP de Melo summarized the staff report, concluding that staff believes that the proposed amendments meet the intent of the California Government code by providing a non-discretionary option to build an adequately sized secondary unit in appropriate zoned districts, and that the proposed amendments will provide a more streamlined review process with clear development standards for the construction of new secondary units consistent with the provisions of State Law AB1866. Staff further believes including the proposed development standards into the draft language would assist in maintaining local control over the establishment of secondary units.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

Commissioners' questions and staff's response were as follows:

VC Parsons: How would we deal with an application for a secondary unit in a Planned Development without having specific clarifying language?

PP de Melo: Staff would look at density issues related to the particular Planned Development and at the Conceptual Development Plan. There are specific requirements in the Planned Development Section 12 that describe the only changes to be allowed from an administrative perspective, and staff believes that they could address it when they look at the Planned Development zoning change findings later in the year.

Chair Gibson: When might that be?

PP de Melo: Based on the Priority Calendar and the current schedule, it could be anywhere from 4 to 6 months before they would get anything to the Commission.

CDD Ewing: It could be a longer or shorter project, depending on how far they go with it. He added that, for a Planned Development of single-family detached homes on standard lots, they probably would have to treat that second unit according to State law; it might have to go to the Planning Commission for design review amendment but it cannot be deemed as an increase in density because State law has stated that second units are not an increase in density. They would call it a separate dwelling but the State says it is not an increase in unit-per-acre density that would result in an increase of density of our General Plan. If it was in a townhouse development of single-family homes on condo lots, it could perhaps be treated as a condo project and not second unit. Each one will have to be looked at regardless of how the Planned Development Zone is amended.

VC Parsons: Asked for a review of the parking section.

PP de Melo: Staff is proposing no changes to the current ordinance requirement for secondary units. They are proposing some clarification language to make it clear what type of parking would be triggered when secondary units are constructed. For an existing home, if one were to add a studio or a one-bedroom unit, we are currently requiring and are proposing requiring as part of these amendments 3 total parking spaces. If that new secondary unit is a two-bedroom unit, 4 total parking spaces are required—2 in the garage and 2 in the driveway. Staff would have some concerns about taking an existing home that has a two-car garage and a two-car driveway and requiring parking above and beyond that, creating an additional garage and adding additional bulk to the home. Staff does not believe that, based on activity with second units, adding parking over and above either the 3 spaces or 4 spaces on site would be necessary as part of these ordinance changes.

VC Parsons suggested the following wording for Page 19, Item (k): "Title to a secondary dwelling unit may not be transferred separately from title to the primary unit or the underlying land." CA Savaree stated that that language was acceptable to her.

VC Parsons questioned if it would be feasible to prohibit, for example, construction of a secondary dwelling unit on a lot over 35 or 40% slope?

CDD Ewing: He would prefer that they not put the City in the position of having to make the tough findings that would be cited in the issue of a prohibition in an HRO. There are a number of development standards already in place and they could consider others. They have floor area limits that are adjusted by slope, they've talked about requiring additional parking regardless of the current amount, and they could add additional standards for steep lots associated with second units. All those are possible and do not put staff in the position of having to make those tough findings when they just do a prohibition.

VC Parsons: His concern is the hazard, for example, of getting behind a house to put in a secondary unit but also the fact that on those kinds of lots it is difficult to provide adequate parking without extreme grading if they have to build additional parking. They could also put a further reduction in square footage allowed for a secondary unit such as 10% under, which would take 270 square feet off of that 2700, now you're at 2430, so that if they tried to build a secondary unit again it would become smaller.

CDD Ewing: There's a number of ways to do it. But if we took the maximum allowed square footage for the entire dwelling, which is 3500 square feet brought down as slope increases and let say we've got a 32% slope that yields a maximum square footage of 2700 square feet total, we have lots like that, they could build a house and a garage up to 2700 square feet. If you created a lower total for a threshold for the house second units, like 10% under, which would take 270 square feet off of that 2700, now you're at 2430, so if they're already about that with the main house they couldn't have a second unit. That's what that would do. If they're already above that with the main house they can still only go up to 2700 in any event, and if they're at 2300 they've only got 400 square feet to work with less conversion perhaps of the interior – there are some things you can do – you can lower that threshold if you wish.

Chair Gibson: Remarked that he does not believe they should consider incorporating the amnesty program and that he agreed with staff's response regarding the HROs.

Referring to Page 11, Section 2.55, Chair Gibson had difficulty with the following sentence regarding tandem parking: "A secondary dwelling unit, as defined herein, is not a single-family dwelling." After discussion, he agreed with CDD Ewing that that sentence could be deleted and the definition for 2.55 could begin "Dwelling, Single Family – A principal building," which refers to the definition above, "designed for use and occupancy by no more than one family and then containing no more than one kitchen or kitchen facility." "Principal building" is then used as the distinction between single-family dwelling and the secondary unit.

Referring to Page 20, Item H, Chair Gibson suggested that the wording should read "new units requiring two additional spaces but *having....*" and that he would prefer use of the word "or" rather than a slash in the term "garage space/driveway space."

Again on Page 20, Chair Gibson questioned the "phantom Zoning Plan." CDD Ewing responded that it will be an amendment to the Zoning Ordinance and doesn't belong there and is just a holdover from years past.

VC Parsons reiterated what he had said about the possibility of putting some additional restrictions on hillside lots.

PP de Melo summarized the proposed changes as follows:

- 24.3h - remove the word "substantially"
- 24.3k - add the words "the separate sale"
- 24.4h change word to "having" and eliminate the slash in garage space/driveway space
- 2.55 would read: "A principal building designed for use and occupancy by no more than one family and containing not more than one kitchen or kitchen facility."

Since this item contained a large amount of material for the two new Commissioners to absorb in one evening, Chair Gibson offered them the opportunity to either say that they are ready to vote on the item, abstain from voting, or ask for a continuance so that they could study it in more detail.

C Wozniak expressed concern over the issue of stairs on the outside of buildings and C Horton asked for clarification of the parking issue. After discussion and further explanation by staff, it was agreed that the item could be continued for two weeks at which time staff will bring back a refinement based on direction received at this meeting and with the understanding that they could add any new changes at that time.

CA Savaree confirmed that the Public Hearing would not need to be reopened if all they were going to do is ask for clarification from staff.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to continue the item for two weeks so that staff can incorporate the changes suggested.

Ayes: Parsons, Dickenson, Frautschi, Wozniak, Horton, Gibson

Noes: None

Absent: Long

Motion Passed 6/0/1

6A. NEW BUSINESS

6A. Priority Calendar – Spring Calendar

CDD Ewing gave an overview of the Priority Calendar and reported that the results of the Commission's vote for prioritizing the "below-the-line" projects from the last review was as follows:

1. Sign Ordinance
2. Parking Standards Update
3. Revisions of Noise Ordinance
4. Tree Ordinance
5. Revisions of Zoning Ordinance Definitions

6. Old Emmett House Site and Redefine Building Height (tie)

8. Commercial Zoning - Uses

CDD Ewing stated that he will forward the above information to the City Council for its consideration.

7. REPORTS, STUDIES, UPDATES, AND COMMENTS

Chair Gibson commented on the friction that occurred at the last Commission meeting. He stated that he has heard apologizes from two Commissioners and added his own in that he should have acted to cut off some remarks that perhaps were out of order. He reminded the Commission that all discussion should be directed through the chair. CA Savaree added that, according to "Roberts Rules of Order," if someone believes another Commissioner is out of order he or she should request a "point of personal privilege" at which time they are granted the floor to speak and can address whatever matter they believe is inappropriate.

C Frautschi commented to staff that the graffiti at the ball field still has not been painted over and that it has been two months.

C Wozniak asked for clarification of the purpose of this agenda item. CDD Ewing stated that it is an opportunity to identify but not discuss issues. Since these issues are not listed on the agenda they cannot get into a dialogue, debate, discussion or decision. It is a means to identify and make an inquiry of staff. Chair Gibson added that it is also an opportunity to make announcements regarding community events.

C Wozniak took the opportunity to announce that that it was kick-off time for the Belmont School Force Annual Giving Campaign and that donations could be made at any time.

Chair Gibson noted that the first meeting in March would fall on a Wednesday due to the election. Since he, C Parsons and C Dickenson all attend classes on Wednesdays, staff will determine if a they would have a quorum and if not, attempt to reschedule that meeting.

C Dickenson asked for an update on 510 Chesterton. CDD Ewing commented that he was not able to make a commitment in advance based on the backlog of projects.

Chair Gibson explained the custom of rotating the duty of attending the City Council meeting for the benefit of the new Commissioners.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF

TUESDAY, FEBRUARY 10, 2004.

Liaison: Commissioner Parsons

Alternate Liaison: Commissioner Long

9. ADJOURNMENT: 9:09 p.m.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.